

REMARKS

In the action of February 23, 2011, the examiner rejected claim 6, 9 and 11 under 35 USC § 103 as unpatentable over Nakamura et al. in view of Larkin; and rejected claim 12 under 35 USC § 103(a) as unpatentable over Nakamura et al. in view of Larkin and further in view of Gruber.

Applicant's attorney has studied the examiner's action, including the newly cited reference to Larkin as well as the examiner's statements concerning the use of the claimed combination being given no patentable weight.

In response, it is pointed out that independent claims 6 and 12 now include a specific limitation that the claimed bag is pre-filled with fluid for a personal hygiene device (claim 6) and for cleaning teeth (claim 12). The fluid within the bag is part of the claimed structure and hence must be given weight and considered relative to patentability. The claimed bag having a particular configuration, pre-filled with fluid for a personal hygiene device or for cleaning teeth is patentably distinguished from the applied references, for the following reasons.

Since the claims now specifically recite a bag pre-filled with personal hygiene fluid or teeth cleaning fluid, the issue of obviousness relative to the ink-filled bag of Nakamura for ink jet printers is more squarely presented. Nakamura does not satisfy the claimed limitation. To obtain applicant's invention, one skilled in the art would have to in effect remove the ink in Nakamura and replace it with teeth cleaning fluid. There is no motivation or reason for one skilled in the power toothbrush art to do so, apart from applicant's own disclosure. There is nothing in Nakamura which addresses the concerns of sanitation and/or efficient use of space which would reasonably encourage such a structural modification of Nakamura. Ink jet ink is a radically different part of Nakamura than the personal hygiene/teeth cleaning fluid of applicant's article. Accordingly, claims 1 and 12 are patentable over the combination of Nakamura and Larkin.

Further, careful review of Larkin indicates that it does not meet the claimed structure relative to the wing portions, even if the obviousness issue discussed above is resolved against the applicant. A fundamental characteristic of applicant's bag design for fluid for personal hygiene/teeth cleaning is the wing portions being configured for efficient operation and use of

space in the appliance, issues which are not particularly relevant in Nakamura nor in Larkin.

Referring specifically to Figure 2 of Larkin, note that Larkin's wing portions, while being of substantially equal width and extending above a central portion of the bag, do not have the specific configuration of open sections of the wing portions extending inwardly from opposing side edges a small distance compared to the width of the container. The remainder of the wing portions are sealed are hence not available for fluid. Note in particular that the wing portions of Larkin are open in their entirety and do not include any sealed portions. Applicant's bag structure, as set forth in the claims, and as shown specifically in Figure 1, does have a structural feature of sealed sections in the wing portions which allow for both efficient filling and emptying of the bag which is important for use in appliances having a minimum space for replaceable fluid bags.

For these reasons claims 1 and 12 are patentable over the applied references.

Since claims 9 and 11 are dependent upon claim 6, those claims are also allowable.

This is to request a one-month extension of time. The fee is authorized herewith. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account 07-1900.

Respectfully submitted,

JENSEN & PUNTIGAM, P.S.

By Clark A. Puntigam
Clark A. Puntigam, #25763
Attorney for Applicant